

Amendment Under 37 C.F.R. § 1.111
U.S. Appln No. 10/625,530

Atty Dkt No. Q76667

AMENDMENTS TO THE DRAWINGS

Please replace the three drawing sheets with the three attached replacement sheets
attached.

Attachment: Replacement Sheet(s)

REMARKS

Claims 1-13 are all the claims pending in the application. Applicant thanks the Examiner for acknowledging the claim for foreign priority. Claims 6 and 7 have been canceled without prejudice or disclaimer.

Drawing Objections

The Examiner objected to the drawings because the lines and lettering in the drawings are not “clear” and “uniformly thick and well-defined.” Applicant respectfully requests that the Examiner withdraw this objection in lieu of the replacement drawings submitted herewith.

Claim Objections

The Examiner objected to claims 6 and 10 for various informalities. Applicant requests that the Examiner withdraw this objection. Claim 6 has been canceled and claim 10 has been amended to correct the informality. Therefore, Applicant respectfully requests that the Examiner withdraw this objection.

Claim Rejections

The Examiner rejected claims 1, 2, 4, 5, 7 and 10-13 as being unpatentable over Mauney et al. (US 6,484,027; “Mauney”) in view of Grube et al. (US 5,666,661; “Grube”). Applicant respectfully traverses this rejection as follows.

Claim 1 recites, *inter alia*, “receiving” a “geographical position P_A and a geographical position P_B . . . determined by one of the telecommunications networks.” As conceded by the Examiner, the combination of Mauney and Grube fail to teach or suggest the units (two terminals)

determining their own positions by requesting it from a network. (Office Action, pg. 13) Thus, claim 1 is allowable over the cited combination of Mauney and Grube because they fail to teach or suggest all the features of currently amended independent claim 1.

One the other hand, assuming, *arguendo*, that the Examiner applies Dupray et al. (US 2004/0266457) (as applied to rejection dependent claims 6, 8 and 9), Applicant respectfully submits that such a combination fails because there is no motivation, teaching or suggestion, either explicit or implicit, in any of the references to support combining Mauney, Grube and Dupray as the Examiner has attempted. Furthermore, even if combined as the Examiner has attempted, the cited combination fails to teach or suggest all the features of independent claim 1.

First, regarding the lack of motivation to combine the references, the Examiner alleges that it would have been obvious to one of ordinary skill in the art to modify the arrangement of Mauney in view of Grube to have the mobiles request the position from the networks as taught by Dupray in order to reduce the costs of the units by eliminating the need for locating hardware in the mobile. (Office Action, pg. 13) As an initial point, Applicant notes that this motivation to combine cannot be found in any of the references cited by the Examiner. Furthermore, in contrast to this alleged motivation, Dupray teaches that large capital outlays are associated with providing three or more overlapping base stations, which is required to provide proper coverage in each location. (Dupray, para. [0199]) Thus, there is no support and, in fact, a teaching counter to the motivation provided by the Examiner.

Regarding Dupray, in order to avoid these large capital outlays, additional location enhancements are used. (Dupray, para. [0199]) To provide these location enhancements, Dupray

discloses enhancing a mobile station 140 (terminal) with electronics for detecting satellite transmissions, which obtain a location related signal from one of a GPS satellite system, the Global Navigation Satellite System, or low and medium earth orbit satellite systems. (Dupray, para. [0199-0202]) Therefore, the teachings of Dupray, when referring to the reference in whole, indicate that: (1) network mobile location determination systems are expensive if they are designed to be effective in a variety of locations; and (2) a cheaper way of enhancing the accuracy of their location determinations is to supplement them with a GPS type system implemented on a mobile terminal 140. In conclusion, the motivation or suggestion provided by the Examiner that requesting the position from the network reduces the costs of the units is merely an *ad hoc* attempt to support the attempted combination: Dupray indicates that capital outlay costs are cheaper with a GPS/network determining system.

Thus, Applicant submits that because Dupray teaches against the motivation to combine alleged by the Examiner, the applied combination is invalid because it is not supported by any reasonable basis. Further, because the system as disclosed by Grube already implements a GPS system, one of ordinary skill would not modify the system of Grube with Dupray as attempted.

Second, even if combined as attempted by the Examiner, the Mauney/Grube/Dupray combination fails to teach or suggest, “receiving from one of the telecommunication networks, by a first one of the two terminals, its own geographical position P_A and a geographical position P_B of the second one of the two terminals determined by one of the telecommunication networks,” as recited in claim 1.

Dupray merely discloses a manner of determining the position of mobile terminals 140. No portion of Dupray discloses that any of the mobile terminals 140 receive a geographical position from a network. Furthermore, Grube only describes a case where the communication units (terminals) convey their geographic coordinates over an RF channel to another mobile unit. (col. 3, lines 55-62) Because none of the references teach or suggest, receiving a geographical position from a telecommunication network, the applied combination fails to teach or suggest all the features of independent claim 1.

Thus, Applicant submits that independent claim 1 is allowable for at least this reason. Further, Applicant submits claims 2-5 and 8-10 are allowable, at least, because of their dependency.

Claim 11 recites, *inter alia*, “one of the two terminals having means for estimating a distance between two terminals based on the determined geographical positions obtained from said one of the telecommunication networks.” Therefore, for the same reasons argued above with regard to claim 1, the combination applied by the Examiner lacks a valid motivation to combine and fails to teach or suggest “geographical positions obtained from said one of the telecommunication networks.” Thus, Applicant submits that claim 11 is allowable over the applied combination.

Claim 13 recites, *inter alia*, “the network selection module estimates the distance between the first mobile terminal and the second mobile terminal based on corresponding geographical positions of the first mobile terminal and the second mobile terminal as obtained from one of the first telecommunication network and the second telecommunication network.”

Again, supported by the arguments set forth above with regard to claim 1, the combination applied by the Examiner lacks a valid motivation to combine and also fails to teach or suggest, geographical positions obtained from a telecommunication network. Thus, Applicant submits that claim 13 is allowable over the applied combination.

Claim Rejection – 35 U.S.C. § 103(a) – Claim 3

The Examiner rejected claim 3 as being unpatentable over Mauney in view of Grube in further view of Sainton et al. (US 2005/159179). Applicant traverses this rejection because Sainton, either alone or combined with the teachings of Mauney and Grube, fails to compensate for the above noted deficiencies noted with regard to the Mauney and Grube combination.

Thus, Applicant submits that claim 3 is allowable, at least because of its dependency.

Claim Rejections – 35 U.S.C. § 103(a) – Claims 6, 8 and 9

The Examiner rejected claim 6, 8 and 9 as being unpatentable over Mauney in view of Grube in further view of Dupray. Applicant traverses this rejection for the reasons set forth above with regard to claim 1. Thus, Applicant submits that claims 8 and 9 are allowable, at least because of their dependency.

Conclusion

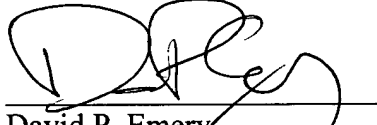
In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

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The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



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CUSTOMER NUMBER

Date: July 5, 2006